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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

YVONNE COX,

Plaintiff,

vs.

CALIFORNIA SECURITY ALARMS, INC.,

Defendants.

NO. C04-02530 SI

**STIPULATION RE:
DISMISSAL OF SPECIFIC
CLAIMS WITH PREJUDICE**

TRIAL DATE: March 6, 2006

The parties to the above-entitled action jointly submit this Stipulation Re:

Dismissal with Prejudice of specific causes of action and partial causes of action prior to trial, hereby waiving each party's respective attorney's fees as to said dismissed causes of action and claims: Waiving the respective parties' attorney fees and costs:

{CAL:1389:PWD:H0025265.DOC.1}

Dismissal of Causes of Action 1, 2, 3, 4 (Partial) and Causes of Action 3, 6, 7, 8, (Entire)

CASE NO. C04-02530 SI

1 1. WHEREAS, Plaintiff's Complaint contains a Cause of Action (number 1)
2 entitled RACE DISCRIMINATION, HARASSMENT, AND RETALIATION IN
3 VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964; and she now
4 voluntarily dismisses the RACE HARASSMENT element of the First Cause of Action
5 "with prejudice";
6

7
8 2. WHEREAS, Plaintiff's Complaint contains a Cause of Action (number 2)
9 entitled RACE DISCRIMINATION, HARASSMENT, AND RETALIATION IN
10 VIOLATION OF FAIR EMPLOYMENT AND HOUSING ACT "FEHA"; and Plaintiff now
11 voluntarily dismisses the RACE HARASSMENT element of the Second Cause of
12 Action "with prejudice";
13

14
15 3. WHEREAS Plaintiff's Complaint contains a Cause of Action (number 3)
16 entitled DISABILITY DISCRIMINATION, HARASSMENT AND RETALIATION,
17 FAILURE TO PROVIDE A REASONABLE ACCOMMODATION AND FAILURE TO
18 ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF THE CALIFORNIA
19 FAIR EMPLOYMENT AND HOUSING ACT ("FEHA"); Plaintiff has previously dismissed
20 her Third Cause Action "without prejudice"; and Plaintiff now voluntarily dismisses the
21 Third Cause of Action "with prejudice";
22

23
24 4. WHEREAS, Plaintiff's Complaint contains a Cause of Action (number 4)
25 entitled GENDER DISCRIMINATION, HARASSMENT, AND RETALIATION IN
26 VIOLATION OF VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964; and
27 Plaintiff now voluntarily dismisses the GENDER DISCRIMINATION element of the
28

Fourth Cause of Action **"with prejudice"**;

5. WHEREAS, Plaintiff's Complaint contains a Cause of Action (number 5) entitled GENDER DISCRIMINATION, HARASSMENT, AND RETALIATION IN VIOLATION OF FAIR EMPLOYMENT AND HOUSING ACT "FEHA"; and Plaintiff now voluntarily dismisses the GENDER DISCRIMINATION element of the Fifth Cause of Action **"with prejudice"**;

6. WHEREAS, Plaintiff's Complaint contains a Cause of Action (number 6) entitled CLAIM FOR OVERTIME WAGES SATE AND FEDERAL LAW VIOLATIONS; and Plaintiff now voluntarily dismisses the Sixth Cause of Action **"with prejudice"**;

7. WHEREAS, Plaintiff's Complaint contains a Cause of Action (number 7) entitled VIOLATION OF LABOR CODE §201; and Plaintiff now voluntarily dismisses the Seventh Cause of Action **"with prejudice"**;

8. WHEREAS, Plaintiff's Complaint at page 13 contains a Cause of Action (number 8) entitled INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE; and Plaintiff now voluntarily dismisses this Eighth Cause of Action **"with prejudice"**;

9. WHEREAS, the parties agree that each shall bear their own attorney fees and costs in relation to the foregoing causes of action, and that each party shall waive any claim for attorney fees or costs in relation to the foregoing causes of action;

10. WHEREAS, the remaining causes of action are the First Cause of Action

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Dismissal of Causes of Action 1, 2, 3, 4 (Partial) and Causes of Action 3, 6, 7, 8, (Entire)
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1
2 (Race Discrimination and Retaliation only); the Second Cause of Action; (Race
3 Discrimination and Retaliation only); the Fourth Cause of Action (Gender Discrimination
4 and Retaliation only), the Fifth Cause of Action (Gender Discrimination and Retaliation
5 only), and the Eighth Cause of Action entitled WRONGFUL TERMINATION IN
6 VIOLATION OF PUBLIC POLICY.

7
8
9 11. WHEREAS, Plaintiff will have 15 days following the execution of this
10 Stipulation and Order to file an Amended Complaint to reflect the remaining causes of
11 action note in Paragraph 10.; and

12
13 12. WHEREAS, Defendant will have 10 days following the filing of said
14 Amended Complaint to file an Amended Answer if necessary.

15
16
17 **Therefore, Plaintiff requests dismissal with prejudice of the racial**
18 **harassment element of her First and Second Causes of Action, dismissal with**
19 **prejudice of the gender discrimination element of her Fourth and Fifth Causes of**
20 **Action, and dismissal with prejudice of her Third, Sixth, Seventh, and Eighth**
21 **Causes of Action (Interference with Economic Advantage) in their entirety.**

22
23 Plaintiff hereby has ⁵15 days to file an Amended Complaint in accordance
24 with this Order.

25 Defendant hereby has ⁵10 days after the filing of said Amended Complaint

26 ///

27 ///

28 {CAL:1389:PWD:H0025265.DOC.1}

Dismissal of Causes of Action 1, 2, 3, 4 (Partial) and Causes of Action 3, 6, 7, 8, (Entire)
CASE NO. C04-02530 SI

1 to file Amended Answer if necessary in accordance with this Order.

2
3 ~~SIGNATURE OF COUNSEL~~

4 DATED: January _____, 2006 By: _____ /s/
5 BETH W. MORA, ESQ.
6 COOPER LAW OFFICES OF LUCIUS A.
7 Attorneys for Plaintiff

8 DATED: January _____, 2006 By: _____ /s/
9 H. ANN LIROFF, ESQ.
10 HANNIG LAW FIRM
11 Attorneys for Defendant
12 CALIFORNIA SECURITY

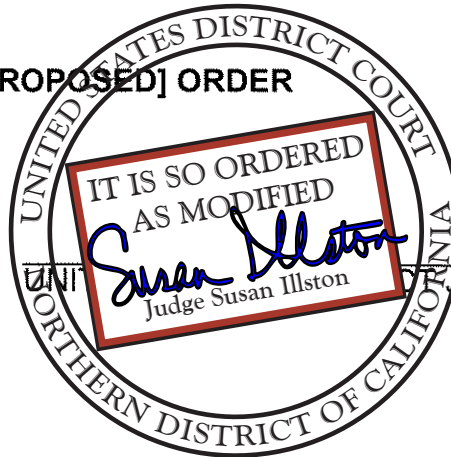
13 ALARMS, INC.

14 IT IS SO ORDERED.

15 DATED: _____

16 By: _____

17 [PROPOSED] ORDER



18 JUDGE

21 {CAL:1389:PWD:H0025265.DOC.1}

22 Dismissal of Causes of Action 1, 2, 3, 4 (Partial) and Causes of Action 3, 6, 7, 8, (Entire)

23 CASE NO. C04-02530 SI